

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

Civil Action No.: 1:21-cv-1344

GINA ANNINO,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant.

COMPLAINT

1. This is an action arising under the Federal Tort Claims Act, 28 U.S.C. §2671.

This Court is vested with jurisdiction pursuant to §1346(b), Title 28 of the United States Code.

2. On or about December 4, 2015, Plaintiff was operating a Hyundai vehicle eastbound on Janneys Lane at or near its intersection with President Ford Lane in the City of Alexandria, Virginia.

3. At that time and place, Dwain Chittams (“Chittams”) was operating a Chevrolet postal vehicle northbound on President Ford Lane at or near its intersection with Janneys Lane.

4. At all times relevant hereto, Chittams was an agent, servant, and/or employee of Defendant United States of America.

5. At that time and place, a stop sign controlled traffic traveling northbound on President Ford Lane at its intersection with Janneys Lane.

6. At that time and place, Plaintiff’s vehicle had the right of way to proceed straight on eastbound Janneys Lane.

7. At that time and place, Chittams disregarded the stop sign.

8. At that time and place, Chittams did not yield the right of way to traffic travelling eastbound on Janneys Lane at or near its intersection with President Ford Lane.

9. At that time and place, Chittams proceeded to make a left turn across the eastbound lane of Janneys Lane and crashed into Plaintiff's vehicle.

10. Chittams owed Plaintiff various duties of ordinary care, including, but not limited to, the duty to obey all traffic signs and signals, the duty to stop at a stop sign, the duty not to enter the intersection when it is not reasonably safe to continue, the duty to yield the right of way, the duty to keep a proper lookout, the duty to maintain proper control of the vehicle, the duty to operate the vehicle at a safe speed under existing circumstances, as well as other duties required for the safe operation of a motor vehicle.

11. At that time and place, Chittams breached each of the above-described duties of care.

12. The above-described collision was directly and proximately caused by Chittams' carelessness, recklessness, and negligence in the operation of the Chevrolet postal vehicle.

13. At all times relevant hereto, Chittams was then and there acting within the scope of his employment and/or agency and with Defendant United States of America.

14. The above-described collision was directly and proximately caused by carelessness, recklessness, and negligence in the operation of the postal vehicle by Chittams, the authorized agent, servant, and employee of the defendant United States of America.

15. On or about November 27, 2017, pursuant to 28 U.S.C. §2675(a), Plaintiff filed this claim with the United States Postal Service, the appropriate federal agency for such notice. More than six months have passed since the submission of the claim and the United States Postal Service has not made a final disposition of such claim.

